

Director's Review Process

For Director's Reviews
of Employer Allocation Decisions

Kris Brophy
Director's Review Program Specialist
OFM – State Human Resources

Introduction

- ▶ Each position in the classified service is allocated to a job classification.
- ▶ A position's allocation is based on the majority of work assigned to a position and performed by the incumbent.
- ▶ The purpose of a position review is to ensure the position's designated job classification accurately reflects the duties performed by the incumbent.

Introduction

- ▶ Factors **not** considered:
 - Volume of work
 - Comparisons to other employees
 - Employee's expertise and training (unless legal requirement)
 - Performance and ability to perform higher-level work

Overview of Position Review Process

Position Reviews – A three step process

A. Employer Level Position Review

- ▶ CBAs – Employee Position Review request

B. Director's Level Review

- ▶ WACs – Director's Review Rules

C. Personnel Resources Board (PRB) Level Review

- ▶ WACs – PRB Rules

A. Employer Level Position Review

- ▶ Employee submits a position review request to employer's HR office.
- ▶ HR conducts a position review (desk audit).
- ▶ HR issues a determination.
- ▶ CBA allows reconsideration (appeal) to OFM – State Human Resources (OFM– State HR).

B. Director's Level Position Review

- ▶ Employee files an appeal of employer's allocation decision with Director's Review Program within 30 days of the employer's decision.
- ▶ Director's Review Program Investigator conducts an informal review conference with both parties. In some cases, only a written review is conducted.
- ▶ OFM – State HR issues a Director's determination.
- ▶ Either party may file exceptions of the Director's determination to the PRB.

C. PRB Level Position Review

- ▶ Either party may file an appeal of the Director's determination within 30 days to the PRB.
- ▶ The PRB conducts a hearing with the parties. The hearing is limited to exceptions to the Director's Determination.
- ▶ The PRB issues a Board Order which is final and binding.

Director's Review Process Steps

Director's Review

- SHR receives employee's request for Director's Review.
- Timeliness reviewed and request acknowledged by letter.
- Copy of request sent to Employer's HR Office.

Employer

- HR sends all documents considered during employer's review to Employee and Director's Review Office within 21 days.

Employee

- Employee reviews documents received from HR.
- Employee submits any other exhibits to Director's Review Office & Employer's HR Office within 21 days.

Director's Review Process Steps

Director's Review

- Director's Review Office creates an exhibit list showing all documents in Director's Review file and emails exhibit list to the parties.

Director's Designee

- Director's Review Program Specialist conducts review through written documentation; telephone conference; or in-person conference.
- Director's determination issued, which either party may appeal to PRB.

Key Documents Considered

The **Employee** provides:

- ▶ The completed Director's review appeal request form or letter
- ▶ A copy of the employer's allocation determination
- ▶ A limited number of exhibits to support their argument for reallocation. Needs to be specific to the time period under review*

** Usually the six or twelve-month period prior to the date the employee submitted a the request to HR– see CBA. The Director's designee or specialist ultimately determines the relevancy of all exhibits.*

Key Documents Considered

The **Employer** provides:

- ▶ Signed and dated (date stamped) Position Review Request Form (PRR) or Position Questionnaire (PQ)
- ▶ Signed and dated Supervisor's comment section or similar statement
- ▶ Signed and dated Position Description Form (PDF) for the relevant time period
- ▶ Considered job class specifications
- ▶ Organizational Chart

Documenting the Assignment of Work

- ▶ The Position Description Form (PDF) should reflect the current, accurate and specific assignment of work to a position (completed by management).
- ▶ The Position Review Request Form (PRR) or Position Questionnaire (PQ) is completed by both the employee and the supervisor/manager.
- ▶ The supervisor documents agreeing or disagreeing with the employee's description of duties in the supervisor's section.

Rules, Rules, Rules

Timeliness of Appeal

- ▶ WAC 357-13-080(1) requires an employee to request a Director's review within 30 calendar days of being provided the results of a position review. Most CBAs contain similar language.
- ▶ The request should be filed within 30 days of the date on the allocation determination letter.
- ▶ The Director's Office date stamps all correspondence. The date filed is the date we receive the request for a Director's review.

Process Information

Appeal Acknowledgement and Exhibits:

- ▶ The Director's Review Office sends an acknowledgment letter to both parties.
- ▶ The parties follow the process outlined in WAC 357-49-025 to prepare and exchange exhibits.
- ▶ The Director's Review Coordinator creates a final exhibit list that is shared with the parties before the review conference.
- ▶ The Director's Review Specialist reviews the exhibits with the parties during the review conference.

Other Information

Final thoughts

- ▶ We **do not accept** Director's review requests via email. However, we do accept exhibits scanned and sent through email.
- ▶ Visit our website at www.hr.wa.gov for information about process or to access Director's determinations online.
- ▶ Thanks!

Personnel Resources Board (PRB)

Appeals

Nancy Jacobski
PRB Special Assistant
OFM – State Human Resources

What can be appealed to the Personnel Resources Board (PRB)?

WAC 357-52-10

- ▶ Disciplinary actions including dismissal, suspension, demotion and reduction in base salary
- ▶ Layoff actions
- ▶ Alleged rule violation
- ▶ Exemption of a position
- ▶ Director's review determinations including allocations or reallocations, remedial actions and removal of the employee's name from a layoff list

Who is the Personnel Resources Board?

- ▶ The PRB is a three-person Board appointed by the Governor.
 - Current Board members are:
 - Nancy Holland-Young, Chair
 - Susan Miller, Vice-Chair
 - Vicky Bowdish, Member

Appeal Hearings

- ▶ Formal appeal hearings for disciplinary actions, rule violations, layoff actions, or exemption of a position are conducted in a setting with similar rules as a regular court such as:
 - Discovery
 - Motions
 - Exhibits
 - Attorneys
 - Objections
- ▶ Exception appeal hearings for allocation, reallocation, or remedial actions are less formal.

How to file an appeal with the PRB

▶ PRB Website

- Forms for filing an appeal, scheduling a motion, withdrawing an appeal, and subpoenaing a witness
- Fax, mail, or deliver (see last slide). Appeal must be received within 30 days of the notice of action.

▶ Board staff

- Sends appellant and respondent a proposed hearing date or;
- Sends a preliminary letter of dismissal if it doesn't meet the deadlines, is missing information, or is not in the Board's jurisdiction.

How the PRB can help

- ▶ www.hr.wa.gov – More Services – Personnel Resources Board Appeals
 - Has link to PRB site
 - Decisions posted from 2006 to present. Try “key word” search.
- ▶ Since PRB decisions are precedent setting, they may help with confirming decisions at the agency level.
- ▶ Pro se appellants (without an attorney) may call PRB staff to get information on the hearings process.

Contact

- ▶ PRB main line: 360-407-4101
- ▶ All appeals must be mailed or faxed.

Raad Bldg., Third Floor
128 10th Avenue SW
PO Box 40911
Olympia, WA 98504

Fax: 360-586-4694